

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**MANUEL L. MARTINEZ and  
BONNIE S. TIMLICK,**

**Defendants.**

**CASE NO. 8:05CR83**

**MEMORANDUM  
AND ORDER**

This matter is before the Court on the Report and Recommendation (Filing No. 28) issued by Magistrate Judge Thomas D. Thalken recommending denial of the motion to suppress filed by the Defendant, Manuel L. Martinez (Filing No. 17) and the motion to suppress filed by the Defendant, Bonnie S. Timlick (Filing No. 20). No objections have been filed to the Report and Recommendation as allowed by 28 U.S.C. § 636(b)(1)(C) and NECrR 57.3(a).

The Defendants seek suppression of evidence obtained from the stop, detention and search of the vehicle they occupied at the time of their February 9, 2005, encounter with law enforcement officers, as well as statements made as a result of the encounter. The only issue presented was whether sufficient factors were present to justify the detention of the vehicle after the initial stop. Judge Thalken determined that the officer had a reasonable articulable suspicion to detain the vehicle pending the arrival of a canine unit based on factors including: the criminal histories of both Defendants; the amount of and explanation for the currency carried by Martinez; conflicting stories relating to the Defendants' trip and relationship; Martinez's Iowa residence and Arizona identification card; and unusually nervous behavior.

Notwithstanding the absence of objections, pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3, the Court has conducted a de novo review of the record. The Court has read the parties' briefs (Filing Nos. 18, 21, and 23) and the transcript (Filing No. 27). The Court has also viewed the evidence (Filing No. 26). Because Judge Thalken fully, carefully, and correctly applied the law to the facts, the Court adopts the Report and Recommendation in its entirety.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation (Filing No. 28) is adopted in its entirety;
2. The motion to suppress filed by the Defendant, Manuel L. Martinez, (Filing No. 17) is denied; and
3. The motion to suppress filed by the Defendant, Bonnie S. Timlick, (Filing No. 20) is denied

DATED this 20<sup>th</sup> day of June, 2005.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge